

U.S. Patent Application Serial No. 10/620,550
Reply to Office Action dated October 11, 2005

Remarks:

Applicant has read and considered the Office Action dated October 11, 2005 and the references cited therein. Claims 5, 6, 11, 13 and 17 have been amended. New claims 21-23 have been added. Claims 1-2 and 18-19 had been previously cancelled. Claims 3-17 and 20-23 are currently pending.

In the Action, claim 17 was rejected under 35 U.S.C. § 112 as being indefinite. The Action states that a curtain rail system is recited but the only element within the system is a safety connection. Claim 17 now recites additional structure including a curtain rail. Moreover, claim 17 stated that "environment" is unclear as used. The term "environment" has been deleted and replaced with "a mounting surface" which provides structure rather than surroundings as recited in the Action. Applicant asserts that the indefiniteness rejections have been overcome.

Claims 3-17 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Franklin. The Action states that Franklin discloses a curtain rail system provided with a safety connection having first and second retaining elements, wherein after mounting, one of the retaining elements is coupled to an object to be suspended and the other retaining element is connected to an environment. The first and second retaining elements are detachably connected to each other such that under the influence of a tensile force applied to the retaining elements, the retaining elements disconnect, wherein the second retaining element comprises an integrally formed resilient lip 31. The Action states that in Franklin, the first and second retaining elements are configured to cooperate via the integrally formed resilient lip to affect the detachable coupling of the retaining elements. The Office Action refers to Figures 1 and 2 of Franklin.

In addition, claims 3-17, 10-12, 14-17 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bradley. As with the rejection in view of Franklin, the Action asserts that Bradley discloses all of the recited structure.

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Applicant asserts that neither Franklin nor Bradley disclose a curtain rail system wherein the second retaining element and resilient lip are integrally formed of one piece. Upon closer inspection, Applicant asserts that the energizing ring 110 of Bradley is a separate element since the ring has been provided with different hatching in the figures. Therefore, Bradley does not disclose an integrally formed resilient lip. The O-ring 72 in Bradley is removable from the female receiver 71 through the opening 73. Moreover, the ring is clearly spaced apart from the receiver 71 as shown in Figure 5 so that the ring cannot be part of the receiver 71.

With regard to Franklin, Applicant asserts that claim 17 recites a curtain rail and that Franklin is a self-releasing animal tether. However, the Action states that the collar is capable of being hung on a curtain rail, thus defining a curtain rail system. Applicant asserts that this is an incorrect characterization of the self-releasing animal tether. The tether is clearly used for coupling to a dog collar and not to a curtain rail system, which are vastly different uses. Moreover, claim 17 now positively recites a curtain rail, which is neither shown nor suggested by Franklin. Although the Action asserts that the collar is capable of being hung on a curtain rail, this clearly is a non-intended use for the animal tether. Moreover, claim 17 recites that the safety connection is coupled to the curtain rail and the self-releasing animal tether is clearly not designed for being so configured.

With regard to Bradley, the Action alleges that the male spigot-plug 103 is integral with the O-ring 110. Moreover, the female receiver is also provided with the O-ring. Such a characterization requires both the plug and the female receiver to be provided with the O-ring. In particular, the Action states that the O-ring is "formed to act in a single unit" with both the receiver and the male spigot. Such a configuration would clearly have negative impact on the performance and function of the Bradley safety joint. In column 4, lines 37-39 of Bradley, it is stated that the ring deforms enough such that the ring slips out of the recess 30 or out of the groove 50. However, such a configuration is not one that has integrally formed elements.

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The present invention also overcomes problems with the prior art such as Bradley, which require that the ring 51, groove 50 and recess 30 be varied by trial and error to achieve a desired breaking force as recited at the top of column 5 and column 6 of the reference.

The present invention provides a simple and more efficient system than the prior art. The curtain rail system of the present invention includes an integrally formed resilient lip that reduces the likelihood of two retaining elements being jammed. The present configuration also provides for more control and definition of the breaking force as varying dimensions of three separate elements is not needed. The present invention has a simple and durable design. Applicant asserts that claim 17 and the claims depending from claim 17 patentably distinguish over the prior art.

New claims 21-23 have been added to further define advantages of the present invention over the cited art. Claims 21 and 22 recite that the second retaining element comprises a monolithic element defining the resilient lip. It is clear that the second retaining element is a single continuous element. Applicant asserts that for the reasons stated above with regard to claim 17, Applicant asserts that claims 21 and 22 and their advantage of having a simple, continuous one piece element, are allowable.

Claim 23 recites that the resilient lip extends longitudinally beyond the first retaining element and radially outward. Neither Bradley nor Franklin recite the resilient lip, shown as element 5, in the present invention. It is clearly shown in Figure 6 that the resilient lip extends longitudinally beyond and radially outward. As stated above, such a design is simple, durable and provides for simply achieving a predetermined breaking force. Applicant asserts that this is neither shown nor suggested by Franklin, Bradley or any combination thereof. Applicant asserts that claim 23 is therefore allowable for these reasons as well as those discussed above.

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A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 1/11/06

By: Gregory A. Sebald

Gregory A. Sebald
Reg. No. 33,280
GAS/km

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